

9 FAM 42.1 Exhibit I

(TL:VISA-350; 01-25-2002)

Excerpt from 8 CFR

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVER

§211.1 Visas.

(a) General. A valid unexpired immigrant visa shall be presented by each arriving immigrant alien applying for admission to the United States for lawful permanent residence except an immigrant alien who: ...

(2) Is a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admission to the United States is made within 2 years of his birth, the child is accompanied by his parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States.

(b)(1) Form I-155, Alien Registration Receipt Card —...

(ii) Alien traveling pursuant to government orders. An Alien Registration Receipt Card, including an expired Alien Registration Receipt Card issued to a conditional resident may be presented in lieu of an immigrant visa by an immigrant alien who is returning to an unrelinquished lawful permanent residence in the United States and:

(A)...

(B) Is a spouse or child of a civilian employee of the United States government or member of the United States Armed Forces, provided that the spouse or child resided abroad while the employee or serviceperson was on overseas duty, and the spouse or child is preceding or accompanying the employee or serviceperson, or is following to join the employee or serviceperson within four months of his or her return to the United States.

(2)...

(3) Waiver of visas. An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is a good cause for his or her failure to present an Form I-151,

immigrant visa, or reentry permit may, upon application on Form I-193, Application for Waiver of Passport and/or Visa be granted a waiver of that requirement. A resident alien who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year and who cannot present Form I-551 because of its loss must file a Form I-90, *Application by Lawful Permanent Resident for New Alien Registration Receipt Card* to replace Alien Registration Card, in duplicate, with the district director having jurisdiction over the port of entry who may in his or her discretion grant or deny without appeal a waiver of the required immigrant visa, reentry permit, or Form I-551. Filing the Form I-90 in such a case will serve not only as an application for replacement but also as an application for waiver of passport and visa, without the obligation to file a separate Form I-193. An alien who is granted a waiver through a filing of Form I-90 under this section shall, after admission into the United States, comply with the requirements of 8 CFR 264.5.